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ASSESSMENT AND IDENTIFICATION OF IMPROVEMENTS TO THE PROSECUTOR CORPORATE MANAGEMENT MODEL FOR CASES OF OFFICIALS' CORRUPTION

FEBRUARY 2014

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1. INTRODUCTION:

1.1. BACKGROUND:

With the Criminal Procedure Code which was implemented progressively in the country since July 2006, the justice system has made significant progress in procedural speed and transparency. Compared with the Code of Criminal Procedure of 1940, with the new procedural legislation, the average duration of conflicts has fallen, and through alternative solutions, cases may conclude early without having to go through all the procedural steps. Furthermore, the principle of orality, materialized in the hearings - especially the oral trial - promotes greater transparency in judicial decisions. With the reform, the prosecutor has taken a leading role in the criminal process as director of investigation and responsible to support cases before the judge at the oral trial stage, which has contributed to institutional strengthening.

However, one of the current challenges in the criminal justice system¹ deals with the processing and resolution of complex crimes, among which are the corruption of officials. In these cases, the speed is lower than in ordinary crimes and there are difficulties to advance the procedural steps to resolution. To explain this, we need to analyze various factors involving the justice system and the related institutions. In the Public Ministry, one factor to consider is that while prosecutors have been trained in the oral trial, they have not received specialized training in officials' corruption crimes. Another factor to consider is related to the need to strengthen the prosecutor's corporate management in aspects such as the organization and functions of the comprised areas, roles of the office members and the distribution of workload, among other topics.

In response to this situation, Objective 1 of the Pro-Integridad Project, sponsored and funded by the U.S. Agency for International Development - USAID, is to help increase the capacity of the justice system to resolve corruption cases in Lima, Callao and the judicial districts of the Peruvian Amazon.² Specifically, Result 1.2 of the Project is capacity building of prosecutors and support staff in target prosecution districts to prosecute corruption cases.

In that sense, one of the action lines of Project Objective 1 is the improvement of the management model of the corporate prosecutor office. A second line of action is the specialized training in officials' corruption for the prosecutors in the intervention areas. This document addresses only the management of the office issue.³ To this end, in December 2013 and January 2014 the technical team of Pro-Integridad carried out an analysis and identified areas for improvement in the matters defined along with the Public Ministry.

1.2. OBJECTIVE OF THE REPORT:

The objective of this report is to highlight the need to strengthen the corporate prosecutor office management to resolve corruption cases with the Criminal Procedure Code and identify areas for improvement.

¹ The criminal justice system includes the Judiciary, Public Ministry and National Police of Peru.

² Pro-Integridad geographical scope corresponds to USAID intervention zones.

³ The training needs of prosecutors will be met through the Diploma Course Specialized in Officials' Corruption Crimes, which will be taught by the *Instituto de Democracia y Derechos Humanos de la Pontificia Universidad Católica del Perú* – IDEHPUCP.